



## Urban Justice Center

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October 28, 2009

### Via Facsimile

Hon. Richard J. Holwell

U.S. District Judge

U.S. District Court for the Southern

District of New York

500 Pearl Street

New York, NY 10007

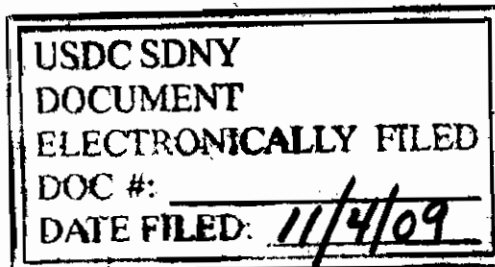
Re: *Copantitla et al. v. Fiskardo Estiatorio, Inc. et al.* (09-cv-1608)  
Joint Request to Extend Discovery Period

Dear Judge Holwell:

The Urban Justice Center, together with Shearman & Sterling LLP and Chadbourne & Parke LLP, represent the plaintiffs in the above captioned matter. We write on behalf of both the plaintiffs and defendants to jointly request an extension of the discovery period for the reasons set forth below. In addition, the plaintiffs respectfully request, with the defendants' consent, that the November 6 status conference be rescheduled.

Under the current case management plan, discovery will close on November 2, 2009, with an interim deadline for joinder of additional parties and amendments to pleadings of October 19. *See* Docket Entries 13 and 30. The parties jointly request that the case management plan be amended to reflect the following dates:

- a) The cutoff date for joinder of additional parties is January 8, 2009;
- b) The cutoff date for amendments to pleadings is January 8, 2009; and
- c) Fact and expert discovery will close on February 26, 2010.



The need for additional time is due in part to the stay of discovery which the parties jointly agreed to for the purpose of engaging in settlement discussions with Magistrate Judge Francis. See Docket Entry No. 27 (granting stay of approximately four weeks). The extension is also needed in light of the significant number of depositions that the parties anticipate will be necessary. The defendants expect to depose all thirteen plaintiffs and approximately five non-party witnesses. The plaintiffs similarly expect to conduct at least fifteen depositions including both parties and non-parties. Further, although the defendants' deadline for responding to interrogatories and document requests was September 18, the responses and objections were served in October. The defendants' document production started on October 21 and defendants intend to produce documents on a rolling basis. The defendants have a substantial number of documents that they intend to make available for inspection only after the parties enter into a stipulated confidentiality order. The parties have exchanged drafts of such an agreement and hope to finalize it soon so that we can move forward with the document productions. The delays in completing this phase of discovery have delayed the start of the deposition phase. The parties are trying to work cooperatively to complete discovery in an expeditious manner, and hope that further extensions will not be necessary.

In addition to the discovery dates noted above, the parties are currently scheduled to appear for a status conference on November 6, 2009. Unfortunately, undersigned counsel will be out of town at a conference on November 6, and therefore respectfully requests that the conference be adjourned. Counsel for the defendants consents to such an adjournment. Counsel for both parties are available December 1, 2, 7, 9 and 10.

The parties appreciate the Court's attention to these matters, and would be happy to appear for a conference to discuss these requests at the Court's direction.

Respectfully Submitted,



David A. Colodny

Counsel for Plaintiffs

cc: Stephanie L. Aranyos, Esq. (by fax)  
Marc D. Ashley, Esq.

Application Granted.  
No further extensions.  
A status conference shall  
be held on March 5, 2010  
at 10:00 am re Nov. 6 confere  
is cancelled.

SD ORDER



USA 4/3/09